

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08	UNITED STATES OF AMERICA,	)	
		)	CASE NO. CR05-0410-RSL
09	Plaintiff,	)	
		)	
10	v.	)	SUMMARY REPORT OF U.S.
		)	MAGISTRATE JUDGE AS TO
11	HARLAN P. JAMES,	)	ALLEGED VIOLATIONS
		)	OF SUPERVISED RELEASE
12	Defendant.	)	
	_____	)	

14 An evidentiary hearing on supervised release revocation in this case was scheduled before  
15 me on December 2, 2010. The United States was represented by AUSA Carl H. Blackstone and  
16 the defendant by Michael Filipovic. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about November 16, 2006 by the Honorable Robert  
18 S. Lasnik on a charge of Assault Resulting in Serious Bodily Injury, and sentenced to 5 years  
19 probation. (Dkt. 40.)

20 The conditions of probation included the standard conditions plus the requirements that  
21 defendant participate in drug testing and treatment, abstain from alcohol, submit to search,  
22 participate in a mental health program, complete 40 hours of community service, provide his

01 probation officer with access to financial information upon request, and have no direct or indirect  
02 contact with the victim without the permission of his probation officer.

03 Defendant's probation officer reported on March 1, 2007 that defendant had violated the  
04 conditions of supervision by associating with a person engaged in criminal activity, and failing  
05 to report contact with law enforcement within 72 hours. The defendant was counseled and  
06 corrective action was taken. No further action was taken at the time. (Dkt. 41.)

07 On June 27, 2007, defendant admitted violating the conditions of supervision by having  
08 contact with several convicted felons and a person engaged in criminal activity. (Dkt. 46.) The  
09 conditions of probation were modified to require the defendant to participate in electronic home  
10 monitoring and Sobriety for 180 days. (Dkt. 52, 53.)

11 On July 28, 2009, defendant was found to have violated the conditions of supervision by  
12 possessing and distributing cocaine on several occasions, by failing to report as instructed for  
13 drug treatment, by associating with a person engaged in criminal activity, and by associating with  
14 a convicted felon. (Dkt. 66.) Defendant was sentenced to 10 months in custody, and supervised  
15 release for two years. (Dkt. 79.)

16 In an application dated October 26, 2010 (Dkt. 82-84), U.S. Probation Officer Jerrod  
17 Akins alleged the following violations of the conditions of supervised release:

18 1. Consuming marijuana on or before August 19, 2010, in violation of standard  
19 condition No. 7.

20 2. Consuming marijuana on or before September 14, 2010, in violation of standard  
21 condition No. 7.

22 3. Consuming marijuana on or before October 7, 2010, in violation of standard

01 condition No. 7.

02 4. Consuming marijuana on or before October 13, 2010, in violation of standard  
03 condition No. 7.

04 Defendant was advised in full as to those charges and as to his constitutional rights.

05 Defendant admitted the alleged violations and waived any evidentiary hearing as to  
06 whether they occurred. (Dkt. 87.)

07 I therefore recommend the Court find defendant violated his supervised release as alleged,  
08 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be  
09 set before Judge Lasnik.

10 Pending a final determination by the Court, defendant has been released on the conditions  
11 of supervision.

12 DATED this 2nd day of December, 2010.

13 

14 Mary Alice Theiler  
15 United States Magistrate Judge

16 cc: District Judge: Honorable Robert S. Lasnik  
17 AUSA: Carl H. Blackstone  
18 Defendant's attorney: Michael Filipovic  
19 Probation officer: Jerrod Akins  
20  
21  
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